

**Not Yet
Approved**

**WALLINGFORD REGIONAL SOLID WASTE PROJECT
POLICY BOARD**

**MINUTES FOR THE SPECIAL MEETING ON JULY 20, 2016
9:00 A.M.
WALLINGFORD TOWN HALL, ROOM 315**

A Meeting of the Policy Board of the Wallingford Regional Solid Waste Project was held at the Wallingford Town Hall on July 20, 2016. Present at the meeting were; George Noewatne, Public Works & Engineering Director, Cheshire; Andrew Kinlock, Solid Waste and Recycling Coordinator, Hamden; Bob Bass, Public Works Director, Meriden; Michael Freda, First Selectman of North Haven; and William Dickinson, Mayor of Wallingford.

Others in attendance were: Don Roe and Susan Schott, Town of Wallingford; Joe Vitale and Mary Ruder of Covanta.

The meeting was called to order at 9:10 a.m. by Board Chair Andrew Kinlock.

- I. Mayor Dickinson stated the minutes could not be approved for the April 13, 2016 WRSWP Meeting due to the absence of Board members Larry Kendzior, Meriden City Manager and Michael Milone, Cheshire Town Manager, who were present at the April 13th meeting.**

II. Project Update

A. *Report on Waste Volumes and Plant Operations*

Mary Ruder stated she had distributed to the Board members the quarterly report and the full year report, which finished up Fiscal Year 2015-2016. She said residential volumes were down approximately 9.1% and that commercial volumes were significantly down.

B. *Enforcement Activities*

Ms. Ruder stated there were no enforcement issues with the facility. She said in order to meet DEEP guidelines and requirements, they were continuing to do spot inspections on waste the haulers brought in. She added there had not been little to no issues with any of the haulers.

C. *Environmental*

Ms. Ruder stated there were no environmental issues.

D. Update on Permit Status

Ms. Ruder said they had received a letter from the State of CT DEEP on June 20th that after they completed the technical review of the permit application for the transfer station, DEEP sent Covanta a list of items the plant needed to work on and get back to DEEP on. She said one item was updating the "O&M". She said that in the application, Covanta had requested additional items in the facility such as C&D, recycling and e-waste. She said DEEP wanted more details on their request as well as a letter of intent with a contractor to service those items. They also wanted to know what the expected volumes and storage capacity of those waste sources would be. She said DEEP also asked for an update on Covanta's financials. Ms. Ruder stated the biggest item DEEP wanted was for Covanta to re-do their site survey and to include a Class A2 boundary map with contour lines, also showing the facility and, all over- and under-ground utilities, buffer zones, roadways, etc., within a half-mile radius. She said they were in the midst of preparing the information DEEP required. She stated DEEP wanted the information within thirty days; however, Covanta had requested an extension of up to sixty days, which would bring them to September 20th. Ms. Ruder said they were currently working with Burns and MacDonald to get the site survey and other requirements completed. She added they would keep the Policy Board members informed as to the status of the permit. She also stated that she always included Don Roe when they submitted anything to DEEP.

Mr. Vitale distributed a report to the members in order to give them an update of the calendar year. He said it included the tonnages for the first six months of 2016, which was 28,721 tons. His forecast for the next six months was 26,200 tons, which totaled approximately 55,000 tons for the calendar year, which was in excess of the contracted amount. He added that was approximately 7,000 tons over the contract limit. He said the last fiscal year total was 65,000 tons and this report showed the degradation over the twelve month running average.

Mr. Vitale said they had reviewed their receivables over the last thirty days, and renewed their surety payments with their haulers to make sure they had their surety bonds in place. He added they had some issues with insurance being too low, and haulers having to be cut off, but most issues had been resolved.

Mayor Dickinson asked if the survey requirement from DEEP was a new requirement. Ms. Ruder said DEEP considered the permit application to be a new application, so the requirement was that Covanta start from scratch. She said Covanta had spoken to DEEP, asking if, since the site was existing, could they use the former engineered site plans, and DEEP said they could not because DEEP considered this a new application. She said that currently, they had a modification to their permit. The Mayor asked Ms. Ruder if the date of the permit went back to when Covanta requested the modification. She replied that the permit would begin at the date they submitted the new permit application. She said the application was submitted in May and that DEEP completed their initial review and told Covanta they would do the technical review and get back with their findings. Ms. Ruder said DEEP replied on June 20th with the list of new requirements. She added this would be a huge expense to have a new engineered survey with specific requirements done. She said she had provided Mr. Roe with a copy

of DEEP's letter. Mr. Kinlock asked where he could get a copy of the letter from DEEP. Ms. Ruder stated she could send him a copy.

Mr. Roe stated the DEEP was treating the application as if there was nothing on the site. He said this was caused by the other proposed waste streams that Covanta wanted to consider. Mr. Roe added that DEEP was unwilling to have those handled under a transfer station permit. Ms. Ruder said they also put in the permit that they wanted access to Dudley, or the back gate, if they needed it. She said that was to eliminate tare weight on all of the trucks. She continued, saying they would not use the access right now, they just wanted access if they needed it. Ms. Ruder said there were several items Covanta asked, which in turn, made the requirement for the new survey.

III. Legislative Overview

A. Special Act 16-6: An Act Concerning a Reduction of Consumer-based Packaging Materials – Signed by the Governor 6/5/16

B. SB 226: An Act Concerning Single-Use Carry Out Bags

C. HB 5149: An Act Concerning Beneficial End Uses for Discarded Tires & the Efficacy of Tire Hauling Licences or Permits

Mr. Roe stated that at the last Policy Board meeting, they had discussed several other measures, including discarded tires, licensing of tire haulers, and the single-use carry out bag that went before the General Assembly but did not proceed. He added that the single-use carry out bag measure was not dead and may be folded into the act that was passed, which was the reduction of consumer-based packaging materials. Mr. Roe said the State established a task force that is to report back to the General Assembly in January, 2017. He suggested the Policy Board members may want to pay attention to that issue to see what the schedule of implementation was and what the response was from the producers.

Chair Kinlock stated he had attended meetings at DEEP regarding consumer-based packaging and that the issues could not be more polarized with industry on one end and environmentalists on the other end. He said one thing CT DEEP was trying to push forward, as per an email he'd received from Jennifer Weymouth, who told him DEEP was partnering with the American Chemistry Council to promote more plastic film recycling. He added that Hamden might get into plastic film recycling in the future.

Mayor Dickinson questioned what reducing the waste, such as removing plastic films, would do regarding keeping the WRSWP a viable project. He said all the recycling ideas eventually would have a cost to the municipalities. He cautioned that all the ideas of the State would have consequences and if the WRSWP project no longer worked, what would towns do then.

Mr. Freda commented that was why North Haven had met with Covanta the previous day (July 19) regarding reaching the projects 48,000 ton cap. He said there was a lot of pressure on the issue and he was very concerned about this. He mentioned "poachers" in the field, looking for tonnage. Mr. Freda stated there was another company interested in the transfer station at this time, as a new business coming into

Wallingford. He added that Covanta was examining their options. Mr. Freda stated that each member Town would have a decision to make, before the contract expires, on whether to transfer to Bristol. He added since North Haven was one of the farthest from Bristol, there would be incremental cost such as labor, fuel, wear and tear on vehicles, etc. He said they needed to be proactive rather than reactive to this issue.

Mayor Dickinson felt that if the State was so inclined to reduce waste, then the State should be making harmless all the communities that then have added cost in order to get rid of the waste that they are obligated to get rid of because it's originating within their boundaries.

Mr. Bass asked when the expiration date on the current contract was. Mr. Vitale said WRSWP had another fifteen years on the contract. He said the specific issue they referred to was whether the minimum requirement of 48,000 tons per year could be met. He added that if the amount brought to the transfer station fell below the minimum 48,000 tons, Covanta has the option to discontinue running that transfer station. Mr. Freda commented that that was the real issue and that fifteen years on the contract was irrelevant.

Mayor Dickinson questioned if the transfer station would close or would WRSWP pay for the difference. Mr. Vitale stated that Covanta had the option to opt out. Mr. Freda said that was what they (the Board) needed to think about. Mr. Dickinson said that was a significant problem and wondered if they needed to make known this problem to the people in the State DEEP.

Mr. Vitale stated if they considered the organics mandate, in which the State expected 25% of the volume being moved to an organics facility in the near future, which would impact the transfer station volumes. He added that packaging would impact volumes. Mr. Vitale said they had other facilities hungry for volume and that MIRA in Hartford had taken some of Covanta's volume. He said there were several bids out right now including the contract with HRRRA and Bridgeport coming up. He said if those volumes got moved out of state, there would be a ripple effect in that facilities would be reaching for volumes where they could. He said there was a lot of pressure in the State. Mr. Vitale said CT DEEP forecast for volume had two streams where it could go. He said today they were approximately 2.1 million tons of MSW; the State's projection was 1.6 to 1.9 million tons. He said Covanta did have a decision point and that the reality was they still weren't making money at the transfer station. He said that, too was something to consider.

Mayor Dickinson felt that with what the CT economy was doing, the issue would only get worse. He explained that would reduce the amount of waste generated and that the State was in the potential of a perfect storm of significantly higher cost and issues over who's doing what, contracts that were no longer enforceable, and reiterated they may need to make these concerns known to DEEP as well as to legislative committees.

Chair Kinlock questioned if there had been any communication, in regard to this Policy Board with DEEP on regulations. Mr. Freda said the predominant discussions with DEEP had been a couple of years ago when the Covanta plant went from a waste to energy

plant to a transfer station, but not what the Mayor was speaking about. He felt that was one strategy they should consider from an overview standpoint; however, he said to offer input to Hamden, Meriden and Cheshire, since the chief elected officials or Town managers were not present, was to keep an open mind and to have open discussions with Covanta. He said during this time period of downward pressure against the 48,000 ton cap, the fifteen year contract was irrelevant since the cap was the mechanism where Covanta could opt out. He said Covanta had put their cards on the table and always had, and they were willing to discuss what the options were and what they could do for the municipalities over the next period of time. He said the WRSWP's biggest threat was the 48,000 ton cap. Mr. Freda felt that North Haven would be the most affected from a cost stand point, but they had been in open discussion with Covanta regarding their options on going to Bristol. He added there could be a reduction in tipping fees due to going to Bristol, which would be a savings for them.

Mr. Bass asked what the capacity of the Bristol facility was. Mr. Vitale stated that in the agreement, as a group they had the right to go to the Bristol facility, so they would have to create capacity. He said they were over-subscribed in the last three year window, and had made a decision, due to the potential of WRSWP having to go to Bristol, to not renew the contracts when they came up for renewal. He mentioned they had several contracts coming up for renewal in November, 2016, in 2017 and in June, 2018 that would create 70,000 tons of capacity.

Mr. Bass asked if they would have to follow and become a part of BRFOC, or if WRSWP could stay as their own entity but still use the Bristol facility. Mr. Vitale said the use of the Bristol facility was in the WRSWP transfer station agreement. He said it was not BRFOC, and said MIRA was a BRFOC agreement, but it was in the WRSWP agreement to use Bristol. Mr. Vitale said the conversations they were having with North Haven were about cost, including what the cost would be to go into Bristol due to mileage, hauling situations, etc. He said Covanta had started with North Haven and would move on to Hamden tomorrow then move on to the other towns, so they would know what the options were.

Mr. Freda stated Covanta was reaching out, offering solutions ahead of time in terms of working with the municipalities. He added that if they went below 48,000 tons, Covanta had no obligation to the WRSWP other than them immediately going to Bristol. He said Covanta was in a position of talking with the towns about what they could do to help the towns to facilitate the transition because they had an opportunity to sell the Wallingford building. Mr. Freda stated the sale of the building would help Wallingford regarding economic development due to the building housing a new business; however, if they ignored that fact and just stayed with the contract and couldn't come up with 48,000 tons, they would be forced to go to Bristol. Mr. Vitale stated they had the option to go elsewhere, but they could use the Bristol agreement they had today, without any incremental costs.

Mr. Bass stated Covanta needed to have conversation with Meriden as well because they were going to be bidding the City's trash hauling for the inner district this year, starting a new contract next year, so they needed to know where the contract stood. He added that it would have a financial impact on the City. Mr. Vitale stated they were not

trying to pull any of the tons out of the project because the board members were a group and they always negotiated as a group. Mr. Bass said they needed to know the cost differences between Bristol and staying in Wallingford. He said Meriden may get a cost break or they could have an increase. He wanted to know if or how the change may affect taxes. Mr. Bass said he needed to talk with Larry Kendzior since he was the actual contact for the project; however, he said Mr. Kendzior was retiring September 1. Mr. Vitale said he could meet with Meriden at any time.

Mr. Roe asked Mr. Vitale what was happening with Covanta's dispute with MIRA. Mr. Vitale stated they had identified that MIRA had contracted with Covanta haulers, in violation with a share agreement that Covanta has with MIRA. He said they told MIRA about the problem and that MIRA acknowledged they had done quarterly reports to DEEP with Covanta's accounts on them. He said their position was that they would go to arbitration or go to court to determine whether there would be any penalties associated with what they did. Mr. Vitale said they were still in discussion with MIRA but MIRA was not going to release any of the commitment contracts they had with the haulers. He explained that the haulers were committed to bring "x" amount of tons to Hartford and if they didn't have enough commercial tons, they would end up bringing residential tons to make up the difference. He added that it had an impact on Covanta and it was seen when Hartford went into an outage - Covanta regained the tonnages being brought to Hartford. He said it was not his decision on when they would go into arbitration or submit a lawsuit. Mr. Roe asked if Bristol has also been impacted by what MIRA had done. Mr. Vitale said Bristol had a different relationship with MIRA and they were obligated to take the tons from MIRA when they went into outage.

C. Legislative Proposals for 2017

Mr. Roe told the Board he would like them to begin thinking about what actions and discussions they would look to have with their legislative delegations and others in the coming year. He commented that there would be meetings with Covanta and each town, and that the next Policy Board meeting would be held October 12. He questioned whether the Policy Board should meet before October 12. Mr. Freda stated that with Covanta meeting with the member towns before then, he was good with the October 12 date. Mr. Freda said Covanta should be commended for taking a proactive approach and meeting with all the member towns regarding what the risks were. Mayor Dickinson said his concern was that at the State level, they ignore what they put upon the towns in the past, and let them alone handle things.

Mr. Vitale stated he tried to express to North Haven if something happened they would try to make the situation whole or better than whole by going to Bristol, it was the best that he come up with.

Mr. Roe asked if the diversion of food waste in regards to the WRSWP meeting their minimum tonnages would have a bigger impact on the commercial hauler side. Mr. Vitale said it would. He added it may have an impact on residential tons since if the organic facility disposal cost was different than bringing the load to EFW directly, it could take tons away from the Wallingford facility. He added they were involved in bid processes with Hartford at this time. Mayor Dickinson asked how food waste diversion

was enforceable. Mr. Vitale replied that it will be economics that make it work. Mr. Roe said the current State law did not include residential food waste; it only affected larger food waste producers at this time.

Mr. Roe mentioned he had handed out a summary of a webinar the State conducted on what the EPR will look like regarding packaging for CT. He said that ultimately the packaging side will have an impact on the Project.

IV. Solid Waste Management Best Practices/Emerging Trends

Mr. Roe said most of the discussion was already stated. He said under "Staff Report" on the agenda, Item "D" read that the Policy Board may want to have DEEP give a presentation on their vision as articulated in their "2016 Solid Waste Management Plan". Mr. Roe said the Policy Board had been provided with updates in the past on the direction DEEP was going in ways of handling waste which are not in ways the Project was structured and organized around. He thought Bristol had a presentation given by DEEP. Mr. Vitale said SCARA did and that West Hartford was going to work with CT DEEP on the pay as you throw program. He said other towns had had pay as you throw presentations by DEEP and that DEEP was pushing the program.

Mayor Dickinson commented he felt if they were to have DEEP give a presentation, it should be a separate meeting. Mr. Bass said it would be prudent to see what DEEP's vision was, and to see what they had to offer the Towns in order to help the town's meet their requirements. Mr. Freda thought the meeting could segway into explaining how DEEP's vision adversely affects the Towns. Mayor Dickinson asked who would be interested in meeting with DEEP. Mr. Bass, Mr. Freda and Mr. Noewatne all stated they would be. Mayor Dickinson mentioned having the meeting in September. Mr. Roe said he would contact the State and get several dates in order for them to meet. He added that other departments may want to be included in the presentation, such as finance, engineers, and Public Works. He suggested maybe having the meeting sponsored by the Policy Board. Mr. Vitale said at other DEEP meeting others were invited, including the haulers.

V. Reserves

A. *WRSWP Interlocal Reserve Account Update*

Mr. Roe stated all Board members had been given a copy of the Reserve Account update.

VI. Project Coordinator Report

A. *Update of Project Coordinator Staffing*

Mr. Roe as explained at the last meeting the Town had been unsuccessful in filling the Project Coordinator position. He said the Town had configured a Plan "B", which consisted of bringing on a part-time clerical and hiring out, under "Professional Services" consulting engineering or using an MSW consultant to handle the more technical side of the position. He said the presented budget presented that scenario.

B. *Review of FY 2017 Project Coordinator Budget*

Mr. Roe explained that the proposed budget showed the 2016 budget along with the 2016 expenditures, which had created an underrun. He pointed out there was a clerical position, outside professional services and an item called "Town Projects". Mr. Roe said given the underrun, would Board members want to have anything done that may benefit all the Towns. He mentioned two display items, a backyard composter bin and a wire frame recycling bin. He said the Board had previously gone fifty-fifty with residents on the cost of the bins; however, it had been a logistical nightmare. Mr. Bass stated it had been a nuisance. Mr. Roe explained the other program, the wire frame program, saying the frames were used by numerous event groups, fairs and festivals. He said the Town made them available to different events and that some of the eventers had purchased their own. Mr. Roe said these addressed what the Project was required to do in promoting recycling. He asked if there was interest in either of the projects or if any of the Board members had any other ideas on what Wallingford staff could work with in order to meet recycling requirements in their communities.

Mr. Bass asked if any of the five communities were involved in the Household Hazardous Waste programs. Mr. Roe said Wallingford was a member of the HazWaste Central in New Haven. Mr. Kinlock added Hamden also was a member. Mr. Freda said North Haven was, too. Mr. Roe stated Wallingford had not done a satellite event in recent years due to cost. Mr. Bass stated Meriden had held an event through BRFOC where they picked up the tab; however, the cost was approximately \$85 per car. Mr. Roe stated that was almost twice what Wallingford's cost was and added the one day events were expensive. Mr. Freda felt there was not a need for special projects. Mr. Bass felt there was not a huge need for something as this at this point in time. He felt it was more important to educate the public on how to properly separate their recyclables from their MSW. He said it was evident when driving down the road that residents did not know to separate waste and recyclables and felt it was more important to educate the public than to hold a one day event. He added he knew it could bring down their tonnage totals, but they needed to do what was right. There was no action taken.

C. *Update on DEEP MIRA RFP, "Resource Rediscovery: Modernizing the CT Solid Waste System Project"*

Mr. Vitale said DEEP selected four vendors for the next round and they were all interviewed last week. He said in the next thirty days, that number should be narrowed down to three by DEEP. HE said DEEP was still on schedule to move forward by the end of the year.

Mr. Roe asked if they knew who the four vendors were. Mr. Vitale said they did not know. He said DEEP was not sharing the information.

D. Discuss: Possible presentation by DEEP re: 2016 Solid Waste Management Plan

Mr. Roe stated that this item was discussed earlier in the meeting.

E. DEEP Commercial Recycling Enforcement

Mr. Roe said DEEP had initiated commercial recycling and part of it was being done on a complaint basis with the other part being an outreach basis. He did not know if there had been anything done in any of the Policy Board members communities at this time. Mayor Dickinson questioned if the Towns had authority to enforce commercial recycling. Mr. Roe said it was in the Town ordinance to require recycling. Mayor Dickinson questioned if the Town had authority to go onto private property in order to do an inspection. Mr. Roe said if it was complaint driven, they would talk to the owner. Mr. Roe asked Mr. Kinlock if Hamden had done inspections. Mr. Kinlock replied he would need to look into their ordinances before they did anything. Mr. Roe stated Wallingford may go onto a property in order to confirm that a complaint was legitimate.

VII. Next Meeting

Mr. Roe stated there may be a Special meeting in September if they could come up with a date for DEEP to give a presentation on their "2016 Solid Waste Management Plan". He added that it might need to be at a different venue. He said the next Regular Meeting of the Policy Board will be held October 12, 2016.

Mr. Bass mentioned that Mr. Kendzior would not be at the next Policy Board meeting and that he was not positive who would be representing Meriden. He reiterated that Mr. Kendzior would be retiring September 1.

VIII. Adjourn

Bob Bass made a motion to adjourn, George Noewatne seconded. The meeting was adjourned at 10:01 a.m.



Susan Schott

July 22, 2016